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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------------------------|-------------|----------------------|-----------------------------|------------------------|
| 10/644,594 | 08/19/2003 | Tony N. Frudakis | DNA1170-2 | 6207 |
| 28213 | 7590 | 05/10/2007 | | |
| DLA PIPER US LLP 4365 EXECUTIVE DRIVE SUITE 1100 SAN DIEGO, CA 92121-2133 | | | EXAMINER AGRAWAL, RITESH | |
| | | | ART UNIT 1631 | PAPER NUMBER |
| | | | MAIL DATE 05/10/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|---------------------------------------------|--------------------------------------|----------------------------------------|--|
| Examiner-Initiated Interview Summary | Application No. 10/644,594 | Applicant(s) FRUDAKIS ET AL. | |
| | Examiner Ritesh Agrawal | Art Unit 1631 | |

All Participants:

(1) Ritesh Agrawal.

(2) John Brusca.

Date of Interview: 9 May 2007

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Status of Application: Pending

(3) Daryl Basham.

(4) _____

Time: 2 PM

Part I.

Rejection(s) discussed:

Claims discussed:

All

Prior art documents discussed:

Part II.


SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


JOHN S. BRUSCA, PH.D
PRIMARY EXAMINER

 (Applicant/Applicant's Representative Signature – if appropriate)

(Examiner/SPE Signature)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicants were informed that should they choose to limit their claims to those SEQ ID NOs (70, 1, 3, 7, 8, 11, 21, 40, 59, 63, and 331) already searched by the office, no further restriction requirement would be necessary. Should applicants desire coverage for a different set of SEQ ID NOs, applicants will receive a restriction requirement requiring the election of a single set of SEQ IDs for prosecution on the merits. The set of elected SEQ ID NOs may contain any number of SEQ IDs from 1-331, but will be limited thereto.

Furthermore, applicants were informed that the claims would be subject to a new grounds of rejection under 112 1st paragraph. Applicants were instructed that in order to obviate the scope of enablement rejection, the claims must contain limitations that describe the specific set of traits with which applicants' SEQ IDs are associated, as disclosed in their specification.

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